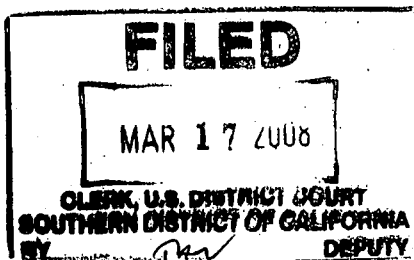


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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 8230

UNITED STATES OF AMERICA,

Magistrate's Case No.:

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 21 U.S.C.S 841(a)(1)

Felix HERNANDEZ-Chavez

Possession of a controlled

Hugo MONTES-Martinez

Substance with Intent to

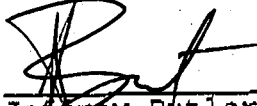
Distribute

Defendants

The undersigned complainant duly sworn states:

That on or about March 14, 2008, within the Southern District of California, defendants Felix HERNANDEZ-Chavez and Hugo MONTES-Martinez, did knowingly and intentionally possess with intent to distribute approximately 86 kilograms (191.25 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.


 Jeffrey Butler, Special Agent
 Drug Enforcement Administration

Sworn to before me and subscribed in my presence, March 17, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

This Probable Cause Statement is based on the reports, documents, and notes furnished to the Drug Enforcement Administration Special Agent Jeffrey Butler

On March 14, 2008, at approximately 7:15PM, United States Border Patrol Agent (USBPA) Clark was performing his official duties at the S-2 checkpoint near Ocotillo, California. At that time, a 2005 red Ford F-150 approached the inspection area with two visible occupants. USBPA Clark interviewed the driver, later identified as Felix HERNANDEZ-Chavez, as to his citizenship. During this interview, USBPA Clark observed the rear seats of the F-150 were lifted and two bundles of what appeared to be marijuana were attempted to be concealed as they lay on the floor. As USBPA Clark continued his interview of HERNANDEZ-Chavez, USBPA Santana noticed another bundle of what also appeared to be marijuana in the bed of the truck partially concealed.

USBPA Clark obtained consent from HERNANDEZ to search the vehicle. During the search, USBPA Clark seized the three bundles of suspected marijuana with an approximate weight of 86¹⁸ kilograms (191.25 pounds). HERNANDEZ-Chavez, the passenger, Hugo MONTES-Martinez, and the marijuana were transported to the El Centro United States Border Patrol Station and then turned over to the DEA.

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DEA Special Agents Jeffrey Butler and Richard Slattery were called and responded to the El Centro United States Border Patrol Station. SA Butler, as witnessed by SA Slattery, advised HERNANDEZ-Chavez of his Miranda warnings. HERNANDEZ-Chavez stated he understood and agreed to answer questions.

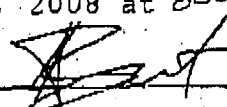
HERNANDEZ-Chavez stated that he was being paid by a person he only knew as "Guero" approximately 3,000 pesos to transport three suitcases from the Calexico, California area to El Cajon, California. HERNANDEZ-Chavez didn't question "Guero" what was in the suitcases because he thought it could be something bad. HERNANDEZ-Chavez described a strong odor inside the cab of the Ford. HERNANDEZ-Chavez described the odor as similar to alfalfa. HERNANDEZ-Chavez admitted knowing the passenger, MONTES-Martinez, for approximately three weeks. According to HERNANDEZ-Chavez, MONTES-Martinez was riding with him because HERNANDEZ-Chavez was unfamiliar with the area and MONTES-Martinez knew how to drive from Calexico to El Cajon.

SA Butler, as witnessed by SA Slattery, advised MONTES-Martinez of his Miranda warnings. MONTES-Martinez stated he understood and agreed to answer questions.

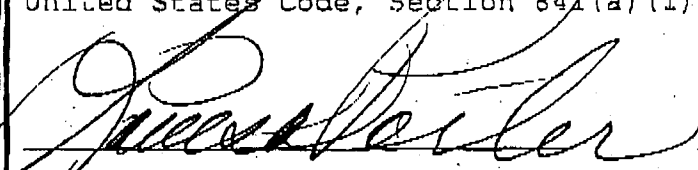
MONTES-Martinez stated he was being given a ride by HERNANDEZ-Chavez, who he had never met before, from Mexicali, Mexico to Borrego Springs, California. When MONTES-Martinez got into the Ford, he noticed a strong odor of marijuana.

On March 15, 2008, SA Butler, as witnessed by SA Joanne Camacho, field tested the suspected marijuana. SA Butler received a positive result for the properties of marijuana.

Executed on this 15th day of March, 2008 at 800 am/pm.


Special Agent Jeffrey Butler

On the basis of the facts presented in this probable cause statement consisting of three pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 14, 2008, in violation of Title 21 United States Code, Section 842(a)(1).


United States Magistrate Judge

3/15/08 9:15
pm.
Date/Time